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May 4, 2022

Magistrate Judge Roanne L. Mann  
United States District Court Judge  
U.S. Eastern District, New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
**VIA ECF Filing**

RE: Brainwave Science, Inc. v. Arshee, Inc. et al  
Case Number: 1:21-cv-04402-BMC

Dear Judge Mann,

The undersigned represents Brainwave Science, Inc. (“Brainwave”) in the above-captioned matter.

By Docket Order of March 25, 2022, this Court directed that the parties complete fact discovery by April 25, 2022. Plaintiff has provided Defendants with responses to their Disclosure Request within the directed timeline. All noticed depositions were completed within the directed timeline.

By email of April 22, 2022, Defendant Farwell advised that he had provided all documents requested by Plaintiff in discovery. On April 24, 2022, the undersigned thereafter advised Defendant Farwell that no responsive documents had been produced and again requested production of the documents. Upon his request for an extension of time, the undersigned further advised Defendant Farwell that, while Court rules do not permit the parties to extend the period(s) for discovery without an application to the Court for same, Plaintiff would not oppose an application for a reasonable extension time to complete discovery should Defendant seek same from the Court. The discovery presently outstanding from Defendant Farwell includes Plaintiff’s Initial Demands and Plaintiff’s Supplementary Demands.

I acknowledge receipt of Defendant Farwell’s Letter Motion of May 4, 2022. In light of the circumstances set forth therein, Plaintiff does not object to a reasonable extension of time for Defendant Farwell to provide responses to Plaintiff’s Initial Demands and Plaintiff’s Supplementary Demands.

Thank you for your time and consideration of the forgoing. The undersigned remains available at the Court's convenience.

Respectfully,

*Paul F. Tomkins*

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